

**ERIE COUNTY LEGISLATURE
MEETING NO. 21
NOVEMBER 16, 2017**

The Legislature was called to order by Chair Mills.

All members present, except Legislator Lorigo.

An Invocation was held, led by Mr. Burke, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Hardwick.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. RATH moved for the approval of the minutes for Meeting 20 from 2017. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

None.

LOCAL LAWS

Item 5 – CHAIR MILLS directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 6 – CHAIR MILLS directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 7 – CHAIR MILLS directed that Local Law No. 5 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 8 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 9 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR MILLS directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 16 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

RE: Transfer of 2017 Community Funding
(INTRO. 21-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO AND HARDWICK

WHEREAS, the Grand Island Historical Society has declined to accept funding offered by the County provided in the 2017 Budget in the amount of \$1,000; and

WHEREAS, the West Seneca Fireman's Memorial has declined to accept funding offered by the County provided in the 2017 Budget in the amount of \$2,500; and

WHEREAS, there are additional community organizations that are deserving and in need of County funding; and

WHEREAS, it is the intent of this honorable body to transfer such 2017 funding to community organizations serving the same population.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer available 2017 funding declined by the Grand Island Historical Society in Account #518500, Funds Center 1332010 to The Boys and Girls Clubs of the Northtowns; and, be it further

RESOLVED, that if funds are not expended or encumbered for the benefit of The Boys and Girls Clubs of the Northtowns in fiscal 2017 then such funding will be re-appropriated into fiscal 2018; and, be it further

RESOLVED, that authorization is provided to transfer available 2017 funding declined by the West Seneca Fireman's Memorial in Account #518500, Funds Center 1332010, in the amount of \$1,000 to the Elma CERT; and, be it further

RESOLVED, that if funds are not expended or encumbered for the benefit of Elma CERT in fiscal 2017 then such funding will be re-appropriated into fiscal 2018; and, be it further

RESOLVED, that this honorable body hereby authorizes the Director of the Division of Budget and Management to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 17 – MR. RATH moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 20E-13. MR. SAVAGE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

RE: Purchase of 2017 Tax Lien Certificates
(COMM. 20E-13, 2017)

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the past fifty -seven (57) years, the County of Erie, each November, bids for and purchases every available Tax Certificate upon real estate for which current year real property taxes then remain unpaid; and

WHEREAS, the collection of delinquent real property taxes under this procedure has been satisfactory, potentially leading, absent redemption, to the commencement of an *in rem* tax foreclosure action against the affected properties by the County; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2017 Tax Certificate upon real estate for which current year real property taxes remain unpaid as of November 24, 2017, the scheduled tax sale date for 2017 Tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2017 real property taxes have not been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Joseph L. Maciejewski, Director of Real Property Tax Services, the Director of Budget and Management, the County Comptroller and County Attorney.

MR. RATH moved to approve the item. MR. SAVAGE seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. RATH moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 20E-8. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

RE: Construction for Engineering Services
for Dona Street Extension - Bethlehem
Steel Redevelopment - City of
Lackawanna

(COMM. 20E-8, 2017)

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned by Tecumseh Redevelopment Inc., and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding (MOU) on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this underutilized site; and

WHEREAS, there is a need for design, construction administration, and construction inspection services for the Dona Street extension to be performed by engineering firms specializing in such services; and

WHEREAS, the firm of LiRo Engineers, Inc., after a public RFQ process, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the design and construction of the above noted Dona Street extension project; and

WHEREAS, in compliance with Section 19.08 of the Erie County Administrative Code, a consultant selection process was undertaken to evaluate responses to a Request for Proposal Document dated August 22, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract between the County of Erie and LiRo Engineers, Inc. in an amount not to exceed \$159,331.71 to provide design engineering, construction administration and construction inspection services for the Dona Street extension; and be it further

RESOLVED, that the fees for the contract to the above noted Engineering firms will be negotiated with a "not to exceed" amount placed on the work; and be it further

RESOLVED, that the County Executive be authorized to execute contract amendments to the aforementioned contract in a cumulative amount not to exceed \$16,000; and be it further

RESOLVED, that funding will be allocated from SAP Project A.17016, 2017 Capital Budget "Bethlehem Steel Redevelopment" and will not exceed \$ \$175,331.71; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each

to the Department of Environment and Planning, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

MR. RATH moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. RATH moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 19E-7. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

RE: EC Sewer District No. 2 - Big Sister
Creek Water Resource Recovery Facility
- Aeration System Replacement Project -
Contract No. 96 Opening Bid
(COMM. 19E-7, 2017)

MR. RATH moved to amend the item. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

Insert the Following:

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 96 at 11:00 a.m. on October 25, 2017:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 96	Quackenbush Co. Inc. 495 Kennedy Road Buffalo, NY 14227	\$535,990.00

; and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there are adequate cash reserves in Erie County Sewer District No. 2 Capital Reserve Account C.00008.

NOW, THEREFORE, BE IT,

RESOLVED, that the Big Sister Creek WRRF Aeration System Replacement, Erie County Sewer District No. 2, Contract No. 96 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 96	Quackenbush Co. Inc. 495 Kennedy Road Buffalo, NY 14227	\$535,990.00

; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$550,000.00 from Erie County Sewer District No.2, Capital Bond Account C.00011 for Contract No. 96; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer \$350,000.00 from Erie County Sewer District No. 2 Capital Reserve Account C.00008 to Sewer District No. 2 Capital Bond Account C.00011 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 2 Capital Bond Account C.00011 by \$350,000.00 for this project; and be it further

RESOLVED, that any unused capital reserve funds will be returned to the Erie County Sewer District No. 2 Capital Reserve Account C.00008 and budgets for the Capital Reserve Account C.00008 and C.00011 will be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.

MR. RATH moved to approve the item as amended. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 20 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 21-2 from LEGISLATORS MILLS & LORIGO. Re: Support for H.R. 4325, the Access to Military Service Records Act

RESOLUTION NO. 236

A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS MILLS & LORIGO

WHEREAS, it is the finding of this body that veterans should not have to incur financial burdens for evidence of their military service to this country; and

WHEREAS, the Department of Defense transfers service records of veterans to the National Archives sixty-two years after they are discharged from the armed forces, which then may charge up to 70 dollars to obtain a copy of these records; and

WHEREAS, this honorable body hereby supports the position that veterans or their next of kin should not, in light of their service and sacrifice, have to pay for these records; and

WHEREAS, Congressman Brian Higgins has introduced H.R. 4325, Access to Military Service Records Act, which removes the cost to these veterans and families, who are in search of information to learn about military assignments, training, and other useful facts that can be helpful in determining eligibility for military benefits or military service medals; and

WHEREAS, it is the finding of this body that veterans have faithfully served and sacrificed for this country and therefore should not be charged a fee to obtain their service records.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports the elimination of charging veterans and their next of kin for access to military records as presented in H.R. 4325; and, be it further

RESOLVED, that certified copies of this resolution be sent to the offices of Congressman Higgins, Congressman Collins, Congressman Reed, Chairman Trey Gowdy, Senator Schumer, and Senator Gillibrand, and any other party deemed necessary and proper.

MR. RATH moved to amend the item to include Et Al sponsorship. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MR. RATH moved to approve the item as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21E-35 from LEGISLATOR LOUGHRAN. Re: Appointment of Member to Finance & Management/Budget Committee

Received, filed and printed.

November 13, 2017

Hon. John J. Mills, Chair
Erie County Legislature
92 Franklin St., 4th Fl.
Buffalo, NY 14202

Dear Chair Mills,

I write to you today concerning the appointment of a member of the Minority Caucus of the Erie County Legislature to serve on the Finance and Management/Budget Committee, in order to deliberate on the County Executive's tentative 2018 Erie County budget.

Pursuant to the 2017 Rules of Order for the Erie County Legislature, Section 3.02, the appointment is to be made by the Chair of the Legislature, and therefore, please accept this communication expressing my interest in serving in this capacity.

Thank you for your attention to this matter.

THOMAS A. LOUGHRAN
Thomas A. Loughran
Erie County Legislator
5th District

Item 22 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21E-36 from the COUNTY EXECUTIVE. Re: Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 23 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21E-37 from the COUNTY EXECUTIVE. Re: Retaining a Consultant to Develop an Online Hot Spot Fishing App: Contract Amendment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 24 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21D-7 from the COMMISSIONER, DEPARTMENT OF MENTAL HEALTH. Re: EC Addiction Hotline and Forensic Mental Health Job Positions Report - Review of Measures Taken to Combat Opioid Crisis

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 25 – MR. RATH moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21M-6 from LANCASTER UNLEASHED. Re: Letter to Legislator Morton Regarding Proposal for a Dog Park in the Town of Lancaster

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 26 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: PILOT Agreement for the Frederick Douglass Phase I Project, City of Buffalo - Affordable Housing Development (COMM. 21E-1)

WHEREAS, the Frederick Douglass Phase I Project consists of an 87-unit affordable housing project in the City of Buffalo located at SBL No. 111.19-2-1.3 and 111.19-2-1.2 (tax addresses for such parcels being 148 Jefferson Avenue and 481 Clinton Street); and

WHEREAS, the project site consists of renovating an existing 87-unit low-income housing tax credit project, commonly known as Frederick Douglass Phase I, under a voluntary program of the Department of Housing and Urban Development called Rental Assistance Demonstration (RAD). Among other things, RAD will ensure that the project remains affordable to low-income households long-term by providing a long-term Section 8 contract for 46 of the 87 units; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for FD 1 2017 Housing Development Fund Corp. and Frederick Douglass I 2017 LLC to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with FD 1 2017 Housing Development Fund Corp. and Frederick Douglass I 2017 LLC, the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the Office of the Comptroller; and the County Attorney.

Item 27 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

RE: Department of Senior Services –
Authorization to Contract for Home
Care Services
(COMM. 21E-2)

WHEREAS, the Department of Senior Services' various grants have available Home Care Services appropriations for the period November 1, 2017 through March 31, 2019; and

WHEREAS, the eleven Home Care agencies the Department currently contracts with are not always able to meet the demands for services; and

WHEREAS one of our current home care providers, Interim Health Care of Rochester has notified us of an ownership and name change to Community Care Companions, Inc. d/b/a Interim Health Care of NY; and

WHEREAS, the Department of Senior Services has identified an additional Home Care agency, Schofield Home Health Care Service, Inc., willing and capable to provide services to seniors residing throughout the county under the Department's Home Care Services program; and

WHEREAS, the Department desires to contract with Community Care Companions, Inc. d/b/a Interim Health Care of NY and Schofield Home Health Care Service, Inc. to provide Home Care services, under the Department's Home Care Services program for the period November 1, 2017 to March 31, 2019.

NOW THEREFORE BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contracts with Community Care Companions, Inc. d/b/a Interim Health Care of NY and Schofield Home Health Care Service, Inc. to provide home care services to individuals referred by the Department of Senior Services' case management staff for the period November 1, 2017 through March 31, 2019; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Department of Law and the Department of Senior Services.

FROM CHAIR MILLS

Item 28 – (COMM. 21E-3) 2018 Schedule of Legislative Sessions

Received, filed and printed.

To: Karen M. McCarthy, Clerk
From: John J. Mills, Chair
Date: November 13, 2017

2018 SCHEDULE OF LEGISLATIVE SESSIONS

JANUARY
4
18

JULY
12
26

FEBRUARY
1
15

AUGUST
Recess

MARCH
1
15

SEPTEMBER
6
20

APRIL
12
26

OCTOBER
4
18

MAY
3
24

NOVEMBER
1
15

JUNE
7
21

DECEMBER
6 Session & Budget Vote
20 Session & Budget Override

All Regular Sessions listed begin at 2:00 pm in the Legislature Chambers.
Majority Caucus Meetings held on the day of Session begin at 10:30 am in the Caucus Room
All Meetings are open to the public

Item 29 – (COMM. 21E-4) Letter to Clerk of the Legislature Calling a Public Hearing Regarding Agricultural District Open Enrollment Requests

Received, filed and printed.

November 2, 2017
Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

Please be advised that there is a need to call a Public Hearing to consider Agricultural District Open Enrollment requests.

Pursuant to New York State Agriculture and Markets Law §303-b, a comment period was held from September 1 through September 30, 2017 during which any municipality whose territory encompasses Districts 1, 5, 8, 12, 13, 14, 15, 16 and 17, and State Agency, or any landowner within or adjacent to the District, may propose an addition to the District. Additionally, under §303-a(1) of the Agriculture and Markets Law, the County Legislature is required to review districts eight years after their creation and every eight years thereafter.

The Erie County Legislature is to hold a PUBLIC HEARING to consider the abovementioned at 6:00 p.m. on Thursday, November 16, 2017 at the Erie County Cornell Cooperative Extension Office, 21 South Grove Street, East Aurora, NY 14052.

Thank You for your attention to this matter.

Sincerely,
JOHN J. MILLS
John J. Mills, Chair
Erie County Legislature

Item 30 – (COMM. 21E-5) Appointment of Member to Finance & Management/Budget Committee

Received, filed and printed.

November 2, 2017
Karen M. McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Clerk McCarthy:

Please be advised that pursuant to the provisions of the 2017 Rules of Order for the Erie County Legislature §3.02, I hereby appoint Legislator Lynne Dixon to serve as members of the Finance and Management/Budget Committee.

Sincerely,
JOHN J. MILLS
John J. Mills
Chair of the Erie County Legislature

FROM LEGISLATOR LORIGO

Item 31 – (COMM. 21E-6) Letter of Absence from Legislative Session

Received, filed and printed.

November 8, 2017
Karen McCarthy
Clerk of the Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

Dear Clerk McCarthy,

I will be absent for Session on November 16, 2017. I will be attending a discussion in Washington on tax reform by invitation of the White House. I have also notified the Chairman of my expected absence and have copied him on this letter.

I appreciate your attention on this matter.

Sincerely,
JOSEPH C. LORIGO
Joseph C. Lorigo
Erie County Legislature

FROM THE COMPTROLLER

Item 32 – (COMM. 21E-7) Notice of Determination of 2017 Sale, Issuance and Delivery of an E.F.C. Clean Water Statutory Installment Bond

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 33 – (COMM. 21E-8) Federal-Aid Highway Local Project - Contract for Preliminary Engineering (Phases I-VI) & ROW Incidentals - Pedestrian & Bicycle Improvements Elmwood Ave (Phase II) - Village of Kenmore

Item 34 – (COMM. 21E-9) ROW Acquisition - 2017 Miscellaneous Culvert Repairs, Town of Colden

Item 35 – (COMM. 21E-10) Department of Public Works - MOU with the City of Buffalo - Garbage/Recycling Pickup

Item 36 – (COMM. 21E-11) Buffalo & EC Botanical Gardens - 2017 - Houses 1, 4, 7, 10, 11 & 12 Renovations

Item 37 – (COMM. 21E-12) Como Park Lake Dam Low Level Outlet Repair - Request for Additional Construction Funding - Town of Lancaster

The above five items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

RE: EC Holding Center & Correctional Facility - Security & Video Upgrades – Phase 2 - Construction Contingency Increase (COMM. 21E-13)

WHEREAS, on September 21, 2017, your Honorable Body authorized a budget transfer from the Erie County Sheriff's Office Division of Jail Management to the Erie County Department of Public Works; and

WHEREAS, the Sheriff's Office Division of Jail Management and the Department of Public Works previously agreed to expand Capital Project A.11007 to enhance the safety and security of the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, additional security and video work was requested by the Sheriff's Office; and

WHEREAS, the Construction Contingency must be increased for the Erie County Holding Center & Erie County Correctional Facility – Security & Video Upgrades – Phase 2 project to fund the additional recommended work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the current construction contingency fund by \$19,790 to a total of \$71,790; and be it further

RESOLVED, that any change order reductions will result in these funds being returned to the construction contingency fund; and be it further

RESOLVED, that Contract Amendments will be negotiated and issued to the previously approved contractor on site to complete the additional work; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project A.11007 Video and Door Control Upgrades, for a total not to exceed \$52,000; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Sheriff's Office Division of Jail Management.

Item 39 – (COMM. 21E-14) Community Development Block Grant - Household Income Surveys

Item 40 – (COMM. 21E-15) Emergency Solutions Grant - Agreement for Housing Relocation and Stabilization Services

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 41 – (COMM. 21E-16) EC Sewer District Nos. 2, 3 & 8 - Contract No. 76 - Contract Close out

Item 42 – (COMM. 21E-17) EC Sewer District No. 2 - Contract No. 90 - Contract Close Out

Item 43 – (COMM. 21E-18) EC Sewer District No. 3 - Contract No. 17A - Contract Close Out

Item 44 – (COMM. 21E-19) EC Sewer District No. 3 - Contract No. 58 - Contract Close Out

Item 45 – (COMM. 21E-20) EC Sewer District No. 2 - Increase and Improvement of Facilities (2017)

Item 46 – (COMM. 21E-21) EC Sewer District No. 3 - Increase and Improvement of Facilities (2017)

Item 47 – (COMM. 21E-22) WNY Stormwater Coalition: Storm System Mapping Project

The above seven items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (COMM. 21E-23) Real Property Tax Services - Transfer of Surplus County Owned Land Parcels

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 49 – (COMM. 21E-24) Interim Financial Report for the Nine-Month Period Ended Sept. 30, 2017

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – (COMM. 21E-25) Appointment to Buffalo & EC Public Library Board of Directors

Item 51 – (COMM. 21E-26) Appointment to the Commission on the Status of Women

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 52 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

RE: Department of Mental Health –
Authorization to Accept Grant Funding
and Amend Contract Due to SAMHSA
Award for Family Treatment Drug Court
Enhancement Initiative - Year 1 of 5
(COMM. 21E-27)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$425,000 annually for a 5-year period beginning 10/1/17 by Substance Abuse and Mental Health Services Administration (SAMHSA) as part of an initiative to offer expanded and enhanced substance use disorder treatment services in existing family treatment drug courts; and

WHEREAS, the Department of Mental Health thus requires legislative approval to accept the Federal funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve high-risk families residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept SAMHSA grant funds and to have the Department of Mental Health oversee the provision of related services by amending its contract with BestSelf Behavioral Health, and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health
Grant Fund 281, Fund Center 12410
October 1, 2017 - September 30, 2018
124SAMHSAFTDC1718

Revenue	Increase
Account 414000 – Federal Revenue	\$425,000

Appropriation	Increase
Account 517534 – BestSelf Behavioral Health OMH	\$425,000

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County's entering into contract with BestSelf Behavioral Health, Inc. on June 8, 2017 (Comm. 10E-18); and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

Item 53 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MR. SAVAGE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

RE: Department of Mental Health –
Authorization to Contract with Save the
Michaels of the World Inc
(COMM. 21E-28)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the New York State Office of Alcohol and Substance Abuse Services (OASAS) has informed the Erie County Department of Mental Health of an annual increase to its State Aid beginning in fiscal year 2018 to help families struggling with addiction issues navigate barriers and connect to services; and

WHEREAS, in order to quickly implement these behavioral health services the Erie County Department of Mental Health requests authorization to enter into a contract with Save the Michaels of the World, Inc. for the provision of the targeted behavioral health services; and

WHEREAS, \$125,000 in NYS OASAS funding is being appropriated to Save the Michaels of the World, Inc. beginning on January 1, 2018.

NOW, THEREFORE, BE IT

RESOLVED, that in order to implement behavioral health services to help families struggling with addiction issues navigate barriers and connect to services, the Department of Mental Health is authorized to enter into an agency contract with Save the Michaels of the World, Inc. effective January 1, 2018; and be it further

RESOLVED, that the County Executive is hereby authorized to accept the NYS OASAS funding and enter into a contract with Save the Michaels of the World, Inc. for a period commencing January 1, 2018; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to process the following budgetary adjustment:

2018 BUDGET – Mental Health, Business Area 124
Cost Center 1241020, Fund 110

<u>Revenue</u>		<u>Increase</u>
406860	State Aid - OASAS	\$125,000
<u>Expense</u>		<u>Increase</u>
517780	Save the Michaels ASA	\$125,000

and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

Item 54 – (COMM. 21E-29) Department of Senior Services - Group Respite Program Contracts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 55 – (COMM. 21E-30) Department of Central Police Services - Authorization to Accept Forensic Lab Supplies from HIDTA Program

Item 56 – (COMM. 21E-31) Department of Central Police Services - Authorization to Invoice US Department of Justice for Services and Accept Payment

Item 57 – (COMM. 21E-32) Department of Central Police Services - Authorization to Transfer Funds for Forensic Lab Equipment Purchase

Item 58 – (COMM. 21E-33) Department of Central Police Services - Authorization to Contract to Allow CPS to Participate and be Certified in 911 Automated Secure Alarm Protocol

The above four items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 59 – (COMM. 21E-34) Division of Correctional Health – Addiction Assistance Program – Review of Measures Taken to Combat Opioid Crisis

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF LAW

Item 60 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

RE: Technical Correction to Comm. 19E-1 (2017): Continued Imposition of Additional 1% and Additional 0.75% Sales and Compensating Use Tax for Period Ending Nov. 30, 2020 (COMM. 21D-1)

RESOLUTION

of the

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to make a technical amendment to the resolution adopted on October 19, 2017, to continue the imposition of the additional 1% rate of tax and the additional 3/4% rate of tax, pursuant to Article 29 of the New York Tax Law.

Be it enacted by the Legislature of the County of Erie, as follows:

Section 1. Subdivision (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December first, two thousand [seventeen] twenty. With respect to the tax rate of 3 percent effective December first two thousand [seventeen] twenty, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to December first, two thousand [seventeen] twenty, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November thirtieth, two thousand [seventeen] twenty. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December first, two thousand [seventeen] twenty, any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 2. This enactment shall take effect immediately.

NOTE: ADDITIONS IN TEXT ARE INDICATED BY UNDERLINE: DELETIONS BY [BRACKETS]

FROM THE CLERK OF THE LEGISLATURE

Item 61 – (COMM. 20D-2) Notice of Public Hearing Regarding Proposed 2018 Erie County Budget

Item 62 – (COMM. 20D-3) Notice of Public Hearing Regarding Agricultural District Open Enrollment Requests

Item 63 – (COMM. 20D-4) NYS DEC Documents Received

The above three items were received and filed.

FROM THE DEPARTMENT OF LAW

Item 64 – (COMM. 20D-5) Notice of Public Hearing Regarding LL Intro. 18-1 (2017)

Item 65 – (COMM. 20D-6) Notice of Public Hearing Regarding LL Intro. 19-1 (2017)

The above two items were received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 66 – (COMM. 21M-1) Nov. 16, 2017 Board of Trustees Agenda

Item 67 – (COMM. 21M-2) Letters of Support for Proposed 2018 Budget Funding

The above two items were received and filed.

FROM THE EC INDUSTRIAL DEVELOPMENT AGENCY

Item 68 – (COMM. 21M-3) 2018 Budgets for ECIDA, RDC & ILDC

Received and filed.

FROM THE NFTA

Item 69 – (COMM. 21M-4) Sept. 28, 2017 Board Minutes

Received and filed.

FROM THE NYS OFFICE OF REAL PROPERTY TAX SERVICES

Item 70 – (COMM. 21M-5) Certificate of County Equalization Rates

Received and filed.

ANNOUNCEMENTS

Item 71 – CHAIR MILLS announced a public hearing regarding proposed modifications to agricultural districts is scheduled for Nov. 16, 2017 at 6:00 p.m. at 21 South Grove St, Dard Hunter Hall, East Aurora, NY.

Item 72 – CHAIR MILLS announced a public hearing regarding the proposed 2018 Erie County Budget is scheduled for Nov. 21, 2017 at 6:00 p.m.

Item 73 – CHAIR MILLS announced committee meeting schedule for Nov. 30, 2017 will be distributed.

Item 74 – CHAIR MILLS announced the next regularly scheduled legislative session and annual budget vote is Dec. 7, 2017.

MEMORIAL RESOLUTIONS

Item 75 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Nelson W. Gang.

Item 76 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Raymond J. Gates Sr.

Item 77 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Richard W. Shaffer.

Item 78 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Priscilla P. Kasting.

ADJOURNMENT

Item 79 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MS. DIXON moved that the Legislature adjourn until Thursday, December 7, 2017 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, December 7, 2017 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY
CLERK OF THE LEGISLATURE**